

Abstract – Means of substitution of custody

The topic of this thesis are the means of substitution of custody. The institute of custody is a very actual topic that is developing dynamically and is still controversial. Thanks to both domestic and international courts, the standard of protection of basic human rights keeps increasing and custody is therefore considered an extreme securing measure that can only be used in case there are no usable milder means. The aim of this thesis is to introduce these means of substitution of custody, stating their issues in theory and in praxis, their critical evaluation and suggestions *de lege ferenda*.

The first chapter of this thesis focuses on general characteristics of custody and conditions of its use. The first chapter is a crucial part of the thesis as the means of substitution of custody directly relate to the institute of custody itself.

The second chapter of this thesis focuses on the development of individual means of substitution of custody. It is a rather brief overview of the most significant amendments to legislation. In the author's opinion though, to correctly understand the current legislation concerning means of substitution of custody, it is necessary to be aware of the historical context of the establishment and use of these means.

The third and pivotal part of this thesis first generally presents the means of substitution of custody as they are embedded in the Czech legislation and in international law. Furthermore, it deals in more detail with all the means by which custody may be substituted within the Czech legislation, including the specific regulation of custody and its substitution in the case of juveniles. Throughout this section, the various substitution institutes theoretical and application problematic aspects and suggestions for their possible solutions are presented.

The fourth part of this thesis deals with the current topic of electronic monitoring. Its development in the Czech and international environment is presented as well as the way of its use as substitution of custody in the Czech legislation. In the following parts of this chapter, positives and possible pitfalls of this institute, including *de lege ferenda* suggestions, are presented. Since England and Wales have many years of experience in electronic custody substitution control, the fourth part includes a presentation of their legislation in this area.

The fifth part of the thesis summarizes reflections on the means of substitution of custody and evaluates them in general. Lastly, suggestions to change the legislation *de lege ferenda* are presented, which, in the opinion of the author, have the potential to streamline the legislation.